

## **5. Conclusion: Bridges to Nowhere**

A single weather event, Hurricane Katrina, has brought about the greatest population dislocation in the United States since the Great Depression of the 1930s. Katrina was not the strongest hurricane ever to hit the Gulf Coast, but it was perhaps the most destructive ever due to its extraordinary storm surge on the one hand, and due to human failures on the other. These failures are many and profound: the inadequacy of levees, the inadequacy of the evacuation plan, the inadequacy of the governmental response and a social environment characterized by widespread poverty, racial inequities and a history of racial discrimination. Without these failures, Hurricane Katrina, whose effect was compounded in mostly rural areas by Hurricane Rita, might have had an impact much more in keeping with most other hurricanes. Instead, Katrina's impact will be permanent and irreversible for many families and communities. The cleanup and reconstruction effort alone will likely take no less than a decade to accomplish, but the speed of that effort will also be determined by whether the American people step forward and exert sufficient pressure on their government to speed up the relief and reconstruction effort, or whether that effort is also shaped by human failure and a lack of compassion. President Bush has made a lot of easy promises, but has failed to live up to his words.<sup>148</sup>

As our tour bus for the Congressional Delegation made up of Select Committee Members, guest Members and their staff drove through the devastated Lower Ninth Ward of New Orleans, not far from downtown, one could still get a sense of the charm. Aside from the roads having been cleared, little had changed in four and a half months since a twenty foot wall of water was unleashed upon the community of lower-income, mostly African-American residents. As we passed by heaps of debris, we were reminded that there were likely to be found more dead bodies (as indeed several have been even since our visit), it was possible to imagine the lifestyle of the residents of these cozy square wood houses.

Fourteen per cent of residents in the Lower Ninth were senior citizens. Another fourteen percent were handicapped. A full sixty percent owned their own homes, ranking the home ownership rate in this community among the highest in the country. At the same time, only forty per cent of residents were literate. These astonishing figures tell a tale of a community that was industrious, frugal and ill-served by the educational system. But most of all, you could tell just by looking that in spite of the fact that their homes were small, the people who lived here were proud of their community, and proud to contribute their part to the culture of New Orleans.

Another dramatic fact is that few of these residents left New Orleans very often. But now they are scattered to the four winds and 44 states, and of all the residents of New Orleans they face the longest odds of ever returning to their homes, most of which are beyond repair, let alone ever receiving compensation for the loss of their property. Numbers and dollar figures cannot begin to calculate the loss experienced by, say, a senior in her 80s who had rarely ever set foot outside New Orleans, but who now faces the challenge of starting a new life all over again in a strange community far away, separated from family and friends.

Hurricane Katrina, which struck the coasts of Louisiana, Mississippi and Alabama on August 29, 2005, was the first event to be declared an "Incident of National Significance" by the Secretary of Homeland Security, as empowered to do so under the NRP. The first priority listed in the



event of an Incident of National Significance is “to save lives and protect the health and safety of the public, resources and recovery workers.”

A mandatory evacuation was declared for the City of New Orleans in the aftermath of Hurricane Katrina. Yet more than 100,000 residents of New Orleans simply lacked the means to evacuate upon demand. There are many reasons why. The elderly, the disabled and the infirm required special assistance. Most self-supporting residents were low income earners and did not have their own means of transport to get out. Before the Hurricane Pam exercise in 2004, this issue seriously addressed, but funds for hurricane disaster planning were cut by the DHS.

For the low income, mostly black residents of Orleans Parish who had not heeded or could not heed evacuation calls, the order to evacuate was effectively meaningless. How would our 82 year-old grandmother with no care, living on a fixed income, and whose only family was based in the area about to be hit, get up and relocate out of the city. For starters, how would she pay for the hotel bills? For as many as five days after Hurricane Katrina, many of the bridges of New Orleans became bridges to nowhere, most with floodwaters on both ends. Thousands of survivors spent days stranded on a bridge, hopeful and expectant that one of the many helicopters flying overhead would stop and rescue them from the toxic floodwaters and the searing hot sun. Some black survivors report helicopters teasing them at the prospect of rescue and then leaving them and moving on to white neighborhoods. The conditions at the Convention Center, the Superdome, the I-10 / Causeway Cloverleaf resembled concentration camps—days of internment without adequate food, water or sanitation, and a growing sense of hopelessness. Yet all this wasn’t all just about poor coordination. The Gretna Police *turned back* survivors seeking a way out by crossing the Crescent City Connection bridge, and subsequently confiscated their food and water—bridge to nowhere.

What we are left with is a spectacular failure of government. Prior to the flooding of New Orleans, Grover Norquist, President of Americans for Tax Reform and a close associated of indicted lobbyist Jack Abramoff, has publicly stated the following: “I don’t want to abolish government. I simply want to reduce it to the size where I can drag it into the bathroom and drown it in the bathtub.” It seems he got his wish, at least for the people of New Orleans. Hurricane Katrina should and undoubtedly will force us to reexamine prevalent notions of the market fundamentalists, who are ready and willing to fund any wars the government takes on, but who loathe paying for social programs or public infrastructure. It was under-funding that contributed to the flooding of New Orleans, and to the delinquent response. It may be under-funding that cripples the ability of tens of thousands of residents to return home and rebuild their lives.

Americans are generous when it comes to disaster. The \$3 billion that has been raised by private entities for the relief effort eclipses the \$2.2 raised for victims of 9/11. “But charity is episodic and driven by disaster. What is needed are structures of justice that perpetuate the goodwill intended in charity.”<sup>149</sup>

The Gulf Coast provides America with a significant share of its energy supplies. This should be kept in mind as Congress and the White House decide how much relief and reconstruction monies are to be given, and in what form. Making a strong investment may pay greater

dividends later. We can choose to leave New Orleans to the Donald Trumps and Prince Charles's of the world, who are already busy buying up property and planning their casinos and condominiums for the rich. In doing so we may be depriving tens of thousands of working people of their right of return, of their voting rights, of their property rights and yes, of their civil rights.

We can also choose to go half-way and assist only enough to restore things to the way they were before Katrina. But many working class survivors don't want to go back to how it was before. They see Katrina as an opportunity to fix what was broken. They dream of a New Orleans with its racial diversity restored, free of grinding poverty and crowded prisons, with strong levees<sup>150</sup> and comprehensive evacuation plans for future hurricanes. The Federal government should seek creative ways to assist in such a noble endeavor.



### **Summary of Recommendations:**

- When the National Response Plan and/or other disaster preparedness plans are revised, they need to be updated to anticipate looting as a highly probable and often rational response to scarcity by individuals in an emergency. Rights of property must not supersede the right to food, water and medicine, i.e. the right to survive, especially not during a declared emergency.
- FEMA or any agency that replaces it must be directed to produce impact and implementation policy studies aimed at producing emergency preparedness and response policies that address the particular needs of minority communities.
- Congress should pass legislation to set procedures for protecting the civil liberties of minorities during an emergency situation. Armed forces and police should be on notice that individual acts of blatant discrimination or abuse of minorities will result in serious punishments, and systemic abuse will result in loss of financial support. Private relief organizations with discriminatory relief practices should be subject to review and possible loss of contracts.
- Recommendation: Future emergency preparedness planning must include the provision of transportation for the elderly, the infirm and those without their own means of locomotion, as well as the placing of Disaster Recovery Centers (DRCs) as near as is feasible, to enable these evacuees to return to their homes as quickly and easily as possible.
- Congress should pass legislation to ban political patronage within Federal agencies; specifically within FEMA and DHS.
- Recommendation: The National Response Plan should either be overhauled or scrapped. A new plan should be developed that includes: 1) unambiguous command structures for military responders; 2) crystal clear clarification regarding the integration of the work of state and federal armed forces during an emergency to maximize the ability to deploy military assets in a pro-active manner; 3) pre-set standard operating procedures for non-military agencies operating in a crisis detailing what operations they can and should initiate without waiting for marching orders from a higher authority; 4) an integrated communications plan that puts all responders on the same page from the get-go, using Interoperable Communications technology.
- Recommendation: The National Response Plan is color blind, and any future such national emergency response plans must include sensitivity training for both military and non-military responders so that responders are aware in advance of the specific needs and leadership patterns in communities of color.
- Recommendation: Emergency response agencies like FEMA should offer diversity training to their employees, and establish direct working relationships with leadership

figures in minority communities living in disaster prone areas such as flood planes so that those relationships are forged and ready to call upon prior to the emergency.

- Congress should re-establish FEMA as an independent Federal agency, removing it from DHS; but give housing oversight back to HUD.
- Take international politics out of disaster relief efforts by establishing a policy that no legitimate offers of foreign assistance will be refused.
- Future hurricane response plans should include evacuations for prisons susceptible to flooding.
- Congress should direct the Government Accountability office to investigate:
  - 1) the degree to which confusion over roles, responsibilities and powers contributed to the tragic and unnecessary delay in dispatching Federal forces to the incident site; and
  - 2) the Bush administration's claims that the Commander-in-Chief needs more power than the Constitution envisions or allows.
- Recommendation: The Constitutional principle and practice of separating military and police functions has become a cornerstone of our democracy. Congress should re-affirm the Posse Comitatus Act in light of proposals to amend or overturn it being made by our President.
- Congress should revive the Superfund program, which taxes polluters to pay for the environmental cleanup they are responsible for creating in the first place.
- Congress must pass legislation directing the Environmental Protection Agency to establish a comprehensive assessment and protection plan for the citizens of the Gulf Coast to protect the public from environmental contaminants and infectious materials that pose a threat to public health and safety in the aftermath of Hurricane Katrina.
- The Federal government should establish a commission to work with scientists, engineers and state and local governments to explore the feasibility of the "Coast 2050" plan to restore the coastal wetlands.



## SOURCE NOTES

Cover Art: by Ricardo Levins Morales, distributed by the Northland Poster Collective, who offered the Hurricane Katrina Poster and raise funds for the relief efforts. For More Information: Northland Poster: 1-800-627-3082; [<http://www.northlandposter.com>] (accessed February 6, 2006); Southern Partners Fund: [<http://www.spfund.org>] (accessed February 6, 2006).

<sup>1</sup> On July 22, 2005, on the anniversary of the release of the *9/11 Commission Report*, Rep. Cynthia McKinney hosted a Congressional Briefing entitled "The 9/11 Commission Report One Year Later: Did the Commission Get it Right?" at which over 30 independent experts discussed the omissions, errors and false premises of the Report.

<sup>2</sup> David Walker, Comptroller General of the United States made this observation at a press conference held jointly with Select Committee Chairman Tom Davis on Wednesday, February 1<sup>st</sup>, 2006.

<sup>3</sup> "...for those even slightly familiar with the current intelligence reform proposals, there is a more than vague sense, to use Yogi Berra's immortal phrase, 'Deja vu all over again.' There has been a failure. Pearl Harbor. The unpredicted Soviet development of the Atomic Bomb, the Chinese Communist victory in 1949. Remember who lost China. The equally unpredicted North Korean invasion in 1950. The Bay of Pigs failure. Vietnam. The overthrow of the Shah in 1978. Samosa and Nicaragua a year later, not only unpredicted, but confidently declared by our intelligence estimates as impossible, or a scandal, and Iran-Contra comes to mind inevitably here, and some others in the 1970s. What happens next? A commission will be appointed, usually by the Executive, but post-Vietnam, often by the Congress. You will recall the Hoover Commission in the 1950s, the Church and Pike Commissions of the 1970s, and the Iran-Contra Joint Congressional Committee in the 1980s. Often forgotten are the Senate hearings of 1992, which tried to learn how we were so unprepared for Iraq's evasion of Kuwait, and led among other things to the late Senator Moynihan's very serious proposal for doing away with the CIA altogether, and Senator Arlen Specter's repeated and now accepted idea that the post of National Director of Intelligence and Director of the CIA be separated. The Committee, talking of this generic committee here, will labor long and hard and recommend inevitably that the agencies concerned coordinate their activities better and share their information" --David MacMichael, former CIA officer, speaking at the Congressional Briefing "The 9/11 Commission Report One Year Later: Did the Commission Get it Right?", July 22, 2005. While this quote concerns intelligence form, the conclusions of the Select Committee Report do tend to fit the pattern described.

<sup>4</sup> David Walker, Comptroller General of the United States, called for the appointment of one person to be the President's point person on disaster relief at a press conference held jointly with Select Committee Chairman Tom Davis on Wednesday, February 1<sup>st</sup>, 2006. Chairman Tom Davis joined this press conference and expressed overall consensus between the Select Committee and the GAO's report, although not necessarily on this specific point.

<sup>5</sup> Associated Press, "Holiday Depression Follows Katrina," December 7, 2005.

<sup>6</sup> Associated Press, "Katrina's aftermath tough on mental health," January 28, 2006.

<sup>7</sup> *Agence-France Presse*, January 12, 2006, "Bush Reaffirms Pledge To Rebuild Hurricane-Ravaged States."

<sup>8</sup> Cf. Freedberg, Sydney J Jr., "Disaster Inc.," *National Journal*, December 17, 2005.

<sup>9</sup> Fisher, William, "Report Finds 'Appalling Level of Fraud and Greed'," *Inter Press Service News Agency*, June 29, 2005. Halliburton has already been cited for overcharging the government hundreds of millions of dollars in contracts.

<sup>10</sup> Yen, Hope, "FEMA has yet to reopen no-bid Katrina contracts," Associated Press, November 11, 2005.

<sup>11</sup> *Democracy Now!*, "Workers in New Orleans Denied Pay, Proper Housing and Threatened with Deportation," December 16, 2006.

<sup>12</sup> Cf. also: Moran, Kate, "Building Owner Sues Jeff Parish over Seizure; Broussard had no right to take property for cleanup, he says," *Times-Picayune*, November 8, 2005. In the story, building owner George Ackel's property had been claimed by Jefferson Parish for cleanup operations and he was suing. As of the date of the piece, he had gotten no compensation.

<sup>13</sup> Raspberry, William, "Two Storms, Ample Warning," *Washington Post*, September 6, 2005.

<sup>14</sup> Zweig, Michael, "Talking Points on Class, Race and Gender in the U.S." (unpublished). Zweig is a professor of economics and Director of the Study of Working Class Life at the State University of New York at Stony Brook.

<sup>15</sup> Louisiana Works Department of Labor, "Louisiana Labor Diversity by Workforce", 2004, as cited by Zweig, *ibid*. Available online at: [<http://www.laworks.net/forms/er/AffirmativeActionPublication.pdf>] (accessed: February 2, 2006).

<sup>16</sup> As cited by *Wikipedia*, "New Orleans, Louisiana" at [<http://www.wikipedia.org>] (accessed: February 2, 2006).



- <sup>17</sup> Dyson, Michael Eric, *Come Hell or High Water: Hurricane Katrina and the Color of Disaster*, New York, Basic Civitas, 2006: 143.
- <sup>18</sup> Ibid. 143-144.
- <sup>19</sup> Cf. CNN, "Katrina Victims 'Living in Barns': Parish President blasts FEMA over Temporary Homes," December 13, 2005.
- <sup>20</sup> Zweig, op. cit.
- <sup>21</sup> Shafer, Jack, "The Rebellion of the Talking Heads", *Slate.com*, September 2, 2005. Online at: [<http://www.slate.com/toolbar.aspx?action=print&id=2125581>] (accessed September 2, 2005).
- <sup>22</sup> Pierre, Robert E. and Paul Farhi, "'Refugee': A Word of Trouble", *Washington Post*, September 7, 2005; C01.
- <sup>23</sup> O'Driscoll, Patrick, "'The looters, They're like Cockroaches'", *USA Today*, September 2, 2005.
- <sup>24</sup> Saletan, William, "The Thin Line Blew," *Slate.com*, September 4, 2005. Online at: [<http://www.slate.com/id/2125575/nav/tap1/>] (accessed September 4, 2005).
- <sup>25</sup> Cf. Hudson, Audrey, "Storm Victims Praise Churches," *Washington Times*, December 2, 2005.
- <sup>26</sup> Max, "Pat Robertson's Katrina Cash," *The Nation*, September 7, 2005; available only online at: [<http://www.democracynow.org/article.pl?sid=05/09/07/1415225>] (accessed February 5, 2006).
- <sup>27</sup> *USA Today*, "Pat Robertson calls for assassination of Hugo Chavez," August 22, 2005.
- <sup>28</sup> CNN.com, "Robertson suggests God smote Sharon Evangelist links Israeli leader's stroke to 'dividing God's land'," January 6, 2006. Online at: [<http://www.cnn.com/2006/US/01/05/robertson.sharon/>] (accessed February 5, 2006).
- <sup>29</sup> Nolan, Bruce, "In Storm, N.O. Wants No One Left Behind," *Times-Picayune*, July 24, 2005.
- <sup>30</sup> Community Forum, "Who is Cleaning up After Katrina?" held in New Orleans on January 19, 2006.
- <sup>31</sup> Cf. Nossiter, Adam, "Fight Grows in New Orleans on Demolition and Rebuilding," *New York Times*, January 6, 2005; and Nossiter, Adam, "New Orleans Delays Razing Houses 2 Weeks," *New York Times*, January 7, 2006.
- <sup>32</sup> For example, see: Herrck, Thaddeus, "Teen Tension Trails Hurricane Evacuees into Houston School—With Influx of New Students Comes Insults, Brawls, Parents Protest the Cuffs," *Wall Street Journal*, December 2, 2005.
- <sup>33</sup> Abdel Kouddous, Sharif and John Hamilton: "Three Displaced New Orleans Residents Discuss Race and Hurricane Katrina," *Democracy Now!* Wednesday, September 7th, 2005. Online at: [<http://www.democracynow.org/article.pl?sid=05/09/07/1415225>] (accessed February 5, 2006).
- <sup>34</sup> The reader is advised that this is not the same bridge as the one where Ms. Hodges and Ms. Nelson stayed, which was at I-10 and North Causeway Boulevard.
- <sup>35</sup> *60 Minutes* on CBS, "The Bridge to Gretna" (aired December 18, 2005). Transcript available online at: [<http://www.cbsnews.com/stories/2005/12/15/60minutes/main1129440.shtml>] (accessed February 2, 2006).
- <sup>36</sup> CNN, "Racism, Resources Blamed for Bridge Incident," September 13, 2005.
- <sup>37</sup> Gertz, Bill, 1992, "Mikulski Faults FEMA Officials, Calls for Probe", *Washington Times*, September 4, 1992 (as cited by [<http://www.wikipedia.org>] "James Lee Witt" (accessed February 1, 2006).
- <sup>38</sup> *Atlanta Journal-Constitution*, February 12, 1996, "Short takes; Quick Witt Helps", (as cited by [<http://www.wikipedia.org>] "James Lee Witt" (accessed February 1, 2006).
- <sup>39</sup> Ibid.
- <sup>40</sup> *Wikipedia*, "James Lee Witt" online at: [<http://www.wikipedia.org>] (accessed February 1, 2006).
- <sup>41</sup> Arends, Brett, "Brown pushed from last job: Horse group: FEMA chief had to be 'asked to resign,'" *Boston Herald*, September 3, 2005.
- <sup>42</sup> Cf. Pierce, Emily, "Brown 'Slipped' Through," *Roll Call*, September 12, 2005.
- <sup>43</sup> Bennett, Jonathan, "Brown's Turf Wars Sapped FEMA's Strength: Director Who Came to Symbolize Incompetence in Katrina Predicted Agency Would Fail," *Washington Post*, December 23, 2005.
- <sup>44</sup> Bennett, ibid.
- <sup>45</sup> Center for Progressive Reform, "An Unnatural Disaster: The Aftermath of Hurricane Katrina Executive Summary", September 2005, p. 6.
- <sup>46</sup> Bennett, op. cit.
- <sup>47</sup> Bennett, ibid.
- <sup>48</sup> Bennett, ibid.
- <sup>49</sup> Bennett, ibid.
- <sup>50</sup> *National Response Plan*, December 2004, Fig. 3, p. 17.
- <sup>51</sup> Cf. United States Coast Guard, "Incident Command System," available online at: [<http://www.uscg.mil/hq/g-m/mor/articles/ics.htm>] (accessed February 6, 2006).



- <sup>52</sup> Center for Progressive Reform, "An Unnatural Disaster: The Aftermath of Hurricane Katrina Executive Summary", September 2005, p. 6.
- <sup>53</sup> Arkin, William, "Early Warning, William M. Arkin on National and Homeland Security, Michael Brown Was Set Up: It's All in the Numbers," *WashingtonPost.com* blog. Online at: [[http://blogs.washingtonpost.com/earlywarning/2005/09/michael\\_brown\\_w.html](http://blogs.washingtonpost.com/earlywarning/2005/09/michael_brown_w.html)] (accessed February 5, 2006). Arkin's specific numbers are: Hurricanes and Natural Disasters: 45; Terrorism and WMD: 1,287.
- <sup>54</sup> Bennett, op. cit.
- <sup>55</sup> Bennett, *ibid.*
- <sup>56</sup> Gosselin, Peter G., "Bush is in No Hurry on Katrina Recovery," *Los Angeles Times*, October 17, 2005.
- <sup>57</sup> Gosselin, *ibid.*
- <sup>58</sup> Hsu, Spencer S. and Amy Goldstein, "Administration Faulted on Katrina: GAO Report Blames Bungled Response on Failures That Started at the Top," *Washington Post*, February 2, 2006; A05.
- <sup>59</sup> Lush, Tamara, "For forecasting chief, no joy in being right Max Mayfield strives for accuracy, but worries about complacency," *St. Petersburg Times*, August 30, 2005.
- <sup>60</sup> Landay, Jonathon S., et. al., "Chertoff Delayed Federal Response, Memo Shows," *Knight Ridder*, September 13, 2005.
- <sup>61</sup> Froomkin, Dan, "A Dearth of Answers, *washingtonpost.com*, Thursday, September 1, 2005. Online at: [<http://www.washingtonpost.com/wp-dyn/content/blog/2005/09/01/BL2005090100915.html>] (accessed February 5, 2006).
- <sup>62</sup> *Daily News*, "As South drowns, Rice soaks in N.Y.," September 2, 2005.
- <sup>63</sup> *The Los Angeles Times*, "Italy Tells of Threat at Genoa Summit Plot: Officials there took seriously a report that terrorists would try to crash a plane to kill Bush and other leaders," September 27, 2001.
- <sup>64</sup> Froomkin, Dan, "A Dearth of Answers, *washingtonpost.com*, Thursday, September 1, 2005. Online at: [<http://www.washingtonpost.com/wp-dyn/content/blog/2005/09/01/BL2005090100915.html>] (accessed February 5, 2006).
- <sup>65</sup> Cf. Schleifstein, Mark, "Close Call Offers Lessons for Next Big Storm," *Times Picayune*, October 4, 1998.
- <sup>66</sup> Naftali, Tim, "Department of Homeland Screw-Up", *Slate.com*, September 6, 2005 [<http://www.slate.com/toolbar.aspx?action=print&id=2125494>] (accessed September 6, 2006).
- <sup>67</sup> Williamson, Elizabeth, "Offers of Aid Immediate, but U.S. Approval Delayed for Days", *Washington Post*, September 7, 2005; A1.
- <sup>68</sup> Murray, Mary, "Katrina Aid from Cuba? No Thanks, says U.S. America Welcomes Foreign Help, Except from an Old Cold War Foe", *NBC News*, September 14, 2005. online at: [<http://www.msnbc.msn.com/id/9311876/>] (accessed February 1, 2006).
- <sup>69</sup> Muhammad, Cedric, "Online Columnist Speculates that New Orleans Levee Breach May Have Been Intentional" *BlackElectorate.com*, September 29, 2005. Online at: [<http://www.neworleansblack.com/indexarchive/9-29-05/9-29-05-index.php>].
- <sup>70</sup> From a summary of the PBS "American Experience" documentary *Fatal Flood*. Available online at: [<http://www.pbs.org/wgbh/amex/flood/timeline/timeline2.html>] (accessed February 5, 2006).
- <sup>71</sup> *Ibid.*
- <sup>72</sup> Cf. Barry, John M. *Rising Tide: The Great Mississippi Flood of 1927 and How Changed America*, New York: Simon & Schuster, 1998.
- <sup>73</sup> Van Heerden testified before the Senate Committee on Homeland Security on Nov. 2<sup>nd</sup>, 2005.
- <sup>74</sup> For a preview of one of these investigation's results, see: Nicholson, Peter, "Hurricane Katrina: Why Did the Levees Fail?" testimony on behalf of the American Society of Civil Engineers before the Committee on Homeland Security and Governmental Affairs, U.S. Senate, November 2, 2005.
- <sup>75</sup> Muhammad, Cedric, "Online Columnist Speculates that New Orleans Levee Breach May Have Been Intentional" *BlackElectorate.com*, September 29, 2005. Online at: [<http://www.neworleansblack.com/indexarchive/9-29-05/9-29-05-index.php>].
- <sup>76</sup> Cf. Schleifstein, Mark, "Close Call Offers Lessons for Next Big Storm," *Times Picayune*, October 4, 1998.
- <sup>77</sup> Schleifstein, Mark, "Hurricane Plans Evaluated as Season Begins," *Times Picayune*, June 1, 1999.
- <sup>78</sup> Schleifstein, Mark, "Hurricane, "Morial, State Dispute Dome as Shelter: Emergency Planners, Morial Disagree on Using Dome During Hurricane," *Times-Picayune*, June 2, 1999.
- <sup>79</sup> *Times-Picayune*, "Special Report: Washing Away," June 23-27, 2002.
- <sup>80</sup> Berger, Eric, "Keeping its Head Above Water, New Orleans Faces Doomsday Scenario," *Houston Chronicle*, December 1, 2001.



- <sup>81</sup> Hartman, Thom, "You Can't Govern if you Don't Believe in Government," *Commondreams.org*, September 6, 2006; online at: [<http://www.commondreams.org/views05/0906-21.htm>] (accessed September 8, 2006). Emphasis not in the original.
- <sup>82</sup> "Politicizing Disaster Relief; How FEMA Overcompensated Florida Citizens in the Run-Up to the Presidential Election," interview with *South Florida Sun Sentinel* reporter Megan O'Matz by Amy Goodman, *Democracy Now!* September 8, 2005.
- <sup>83</sup> E-mail from Brown's deputy chief of staff, Brooks Altshuler to Brown, possibly dated August 30, 2005. Cf. Hsu, Spencer S., "Messages Depict Disarray in Federal Katrina Response," *Washington Post*, October 18, 2005.
- <sup>84</sup> Associated Press, October 20, 2005, "FEMA Official: Agency Failed."
- <sup>85</sup> Rich, Frank, "Fallujah Floods the Superdome," *New York Times*, September 4, 2005.
- <sup>86</sup> Associated Press, October 17, 2005, "FEMA in Chaos from Start, Memos Show."
- <sup>87</sup> Ahlers, Mike M., "Firefighting Gear Stockpile Unused," *Cnn.com*, September 6, 2005; online at: [<http://edition.cnn.com/2005/WEATHER/09/03/katrina.unusedgear/index.html>] (accessed September 6, 2005); citing the White House website: [<http://www.whitehouse.gov/>] (original page no longer available).
- <sup>88</sup> Merle, Renae and Griff Witte, "Lack of Contracts Hampered FEMA," *Washington Post*, October 10, 2005; A01.
- <sup>89</sup> Comment by James Lecollier, contracting officer at the Defense Logistics Agency, cf. Merle, *ibid*.
- <sup>90</sup> The comments that follow are from notes taken during a personal visit from Ms. Campbell to our office on January 23, 2006.
- <sup>91</sup> Hsu, Spencer S., "Post-Katrina Promises Largely Unfulfilled," *Washington Post*, January 28, 2006.
- <sup>92</sup> Shane, Scott and Eric Lipton, "In Federal Buying Spree for Hurricane Relief, Agencies Often Paid Retail," *New York Times*, October 15, 2005; A14.
- <sup>93</sup> Rioux, Paul, "FEMA Worker Charged with Looting: He was at Home to Install Trailer," *Times-Picayune*, January 10, 2006.
- <sup>94</sup> Associated Press, "FEMA Employees Indicted in Kickback Scheme," January 27, 2006.
- <sup>95</sup> Rochell Konigsmark, Anne, "FEMA to open apartments to displaced New Orleanians," *USA Today*, January 31, 2005.
- <sup>96</sup> Possley, Maurice, "Keeper of Katrina's Dead," *Chicago Tribune*, November 8, 2005; cf. also Foster, Mary, "Katrina's Victims are Still Largely Nameless," *Associated Press*, October 6, 2005: "More than a month after Hurricane Katrina, the vast majority of the nearly 1,000 dead in Louisiana lie anonymously in a morgue—largely because authorities have released only a few dozen names, but also, perhaps, because many of the victims' families were scattered by the storm and are still picking up the pieces of their lives."
- <sup>97</sup> McGill, Kevin and John Solomon, "A Sausage—Looted or Not—Lands Elderly Church Leader in Prison," *Associated Press*, September 15, 2005; and Simpson, Doug, "Grandmother Accused of Looting During Hurricane Katrina Released from Jail," *Associated Press*, September 16, 2005.
- <sup>98</sup> This and the following points are taken from: Safer Streets, Strong Communities, "The New Orleans Criminal Justice System: An Opportunity to Rebuild" (2006 handout), citing *Times-Picayune* articles and a 1998 report by Human Rights Watch. Citations can be made available upon request.
- <sup>99</sup> Scahill, Jeremy, "Blackwater Down," *The Nation*, October 10, 2005.
- <sup>100</sup> Scahill, *ibid*.
- <sup>101</sup> Perlstein, Michael, "Hearing Set on Mothers in Jail," *Times-Picayune*, May 4, 1999; as cited by Safe Streets, *ibid*.
- <sup>102</sup> Young, Tara, "Murder suspect dies in prison: Ruptured Ulcer Killed Man, Doctor Says," *Times-Picayune*, March 5, 2002; as cited by Safe Streets, *op. cit*.
- <sup>103</sup> WDSU Channel 6, "Orleans Criminal Sheriff's Deputies Indicted in Inmate's Death", June 2, 2005. Online at: [<http://www.wdsu.com/news/4562307/detail.html>] (accessed February 2, 2006).
- <sup>104</sup> Department of Justice-Bureau of Justice Statistics, "Sexual Violence Reported by Correctional Authorities 2004", July 2005; as cited by Safe Streets, *op. cit*.
- <sup>105</sup> Safe Streets, *op. cit*.
- <sup>106</sup> Information taken by Safe Streets from the Louisiana State Prison website, online at: [<http://www.corrections.state.la.us/LSP/general.htm>] (access date unknown; page still active but subject to updates).
- <sup>107</sup> Former OPP Chief Eddie Compass testifying before the New Orleans City Council, November 8, 2004. Transcript available in the New Orleans City Council Crime Summits 2004-2005, as cited by Safe Streets, *op. cit*.
- <sup>108</sup> Safe Streets, *op. cit*.
- <sup>109</sup> Kilborn, Julie H., Atty., "Evacuation of Women Inmates From Orleans Parish Prison," September 18, 2005. The author works in Baton Rouge, LA.



<sup>110</sup> Carey, Corinne, "Excerpts of Letters from Prisoners Abandoned to Katrina," Human Rights Watch, October 10, 2005.

<sup>111</sup> Human Rights Watch, "Louisiana: After Katrina, Inmates Face Prison Abuse", October 3, 2005.

<sup>112</sup> "Left to Die in a New Orleans Prison," Interview with Corinne Carey, *Democracy Now!* September 28, 2005.

<sup>113</sup> Community Forum, "Who is Cleaning up After Katrina?" held in New Orleans on January 19, 2006.

<sup>114</sup> The American Civil Liberties Union (ACLU) is suing the OPP for records to determine why prisoners were abandoned to the storm, see: ACLU "Sheriff Illegally Withholding Records on Orleans Parish Prison, ACLU Lawsuit Charges," November 10, 2005.

<sup>115</sup> Human Rights Watch, "Louisiana: Justice Obstructed, Not Restored", October 14, 2005. See also: ACLU, "ACLU Urges New Orleans City Council to Review Conditions at Prison," December 8, 2005. Testimony from prisoners who were never sentenced, prisoners who remain in prison past their release dates and prisoners who have been released has been available to our office.

<sup>116</sup> Also used for this section: Sothorn, Billy, "Left to Die," *The Nation*, January 2, 2006; Human Rights Watch, "New Orleans: Prisoners Abandoned to Flood Waters", September 22, 2005.

<sup>117</sup> Carey, Corinne, "Excerpts of Letters from Prisoners Abandoned to Katrina," Human Rights Watch, October 10, 2005.

<sup>118</sup> Posse Comitatus Act 18 USC, Sec. 1385 and DoD Directive 5525.5; Limits to: 10 USC 371 – drug enforcement support

Insurrection Act; 10 USC 331 – rebellions; 18 USC 831 – nuclear materials crimes; 10 USC 382 – chemical or biological WMD.

<sup>119</sup> Louisiana Homeland Security and Emergency Assistance and Disaster Act of 1993.

<sup>120</sup> Memorandum of Agreement Concerning Authorization, Consent, and Use of Dual Status Commander for JTF-Katrina.

<sup>121</sup> Department of Homeland Security, *National Response Plan*, December 2004, p. 9.

<sup>122</sup> Letter from Cathleen Babineaux Blanco, Governor of Louisiana to President George W. Bush, September 3, 2005.

<sup>123</sup> Roig-Franzia, Manuel and Spencer Hsu "Many Evacuated, but Thousands Still Waiting: White House Shifts Blame to State and Local Officials," *Washington Post*, September 4, 2005; A01. The report adds: "A senior administration official said that Bush has clear legal authority to federalize National Guard units to quell civil disturbances under the Insurrection Act and will continue to try to unify the chains of command that are split among the president, the Louisiana governor and the New Orleans mayor."

<sup>124</sup> Cf. Wayne, Leslie and Glen Justice, "FEMA Leader Under Clinton Makes it Pay," *New York Times*, October 10, 2005.

<sup>125</sup> Roig-Franza and Hse, op. cit.

<sup>126</sup> Department of Homeland Security, *National Response Plan*, December 2004, p. 7.

<sup>127</sup> WWLTV, Aug 31, 2005.

<sup>128</sup> Ex Parte Milligan 71 US 2 1866.

<sup>129</sup> Roig-Franza and Hse, op. cit.

<sup>130</sup> Roig-Franza and Hse, ibid.

<sup>131</sup> Ritt Goldstein, *Sydney Australia Morning Herald*, March, 2003; United States Civil Disturbance Plan 55-2, Secretary of the Army June 1, 1984. Operation Garden Plot, Civil Disturbance Control

<sup>132</sup> Ibid.

<sup>133</sup> *Washington Monthly*, "Which of these four is not like the other?" September 11, 2005; and Reynolds, Diana, "The Rise of the National Security State: FEMA and the NSC, Public Eye," *Covert Action Information Bulletin*, #33, Winter 1990.

<sup>134</sup> *New York Times*, November 18, 1991, "Continuity of Government planning"; *Washington Post*, October 2001, "Shadow Government Operating in Secret"; The Brookings Institute and the Heritage Foundation have published numerous studies on the post-attack use of COG.

<sup>135</sup> Remarks by Rep. Cynthia McKinney regarding her introduction of House Concurrent Resolution 274 in 2005 to reaffirm Congressional support for Posse Comitatus. Such a resolution passed the House in 2003.

<sup>136</sup> *ABC News*, "Sludge Contains High Content of Fecal Bacteria," September 16, 2005. "The analysis also found astonishing levels of bacteria. A measuring unit of normal soil has about 500 units of bacteria, while the sludge has 13.5 million. Samples of normal soil generally contain less than 200 units of fecal bacteria, but the sludge has 310,000." Cf. also: Palmer, Jioni J., "National Guard entrenched in muck on disaster's front lines," *Newsday*, September 19, 2005.



<sup>137</sup> Cf. *CNN.com*, “Storms turn everyday items to toxic trash,” October 5, 2005.

<sup>138</sup> Testimony of Marty J. Bahamonde, office of Public Affairs, Federal Emergency Management Agency before the Senate Committee on Homeland Security and Governmental Affairs, Thursday, October 20, 2005.

<sup>139</sup> “Reinhabiting homes with visible oil contamination is not recommended because of the potential for skin exposure to oil substances. If people choose to reenter the affected area before remediation, they should take precautions to avoid contact with oil substances. Sensitive individuals, including children and people with recently healed or open wounds, should avoid all exposure to oil substances.” —Centers for Disease Control and Prevention, “Health Consultation: Murphy Oil Spill,” November 8, 2005; cf. also: Llanos, Miguel, “Residents at oil spill site told not to move back: Some in Katrina disaster area have, but EPA has ‘serious concerns’,” *MSNBC.com*, November 10, 2005; online at: [<http://www.msnbc.com.msn.com/id/9994305>] (accessed November 10, 2005).

<sup>140</sup> Center for Progressive Reform, “An Unnatural Disaster: The Aftermath of Hurricane Katrina Executive Summary,” September 2005, p. 5.

<sup>141</sup> Community Forum, “Who is Cleaning up After Katrina?” held in New Orleans on January 19, 2006.

<sup>142</sup> Cf. Gold, Scott and Ann M. Simmons, “‘Katrina Cough’ Floats Around,” *Los Angeles Times*, November 4, 2005; and Schaffer, Amanda, “Katrina Cough: the Health Problems of 9/11 are Back,” *Slate.com*, online at: [<http://www.slate.com/id/2130421/fr/rss/>] (accessed November 15, 2005).

<sup>143</sup> Caputo, Anton, “How badly was the Big Easy polluted?” *Express-News* (San Antonio), February 5, 2006.

<sup>144</sup> Graham, George, “Mysterious Illness Could Have Katrina Ties,” *Ruston Daily Leader*, (Ruston, LA), January 3, 2006.

<sup>145</sup> Environmental Defense Fund, “After Hurricane Katrina, Restoring Wetlands for Protection,” September 8, 2005.

<sup>146</sup> Jackson, Patrick, “Lake faces aftermath of city catastrophe,” *BBC News*, September 8, 2005.

<sup>147</sup> “Coast 2050,” cf. the online report at: [<http://www.coast2050.gov/>] (accessed February 5, 2006).

<sup>148</sup> Hsu, Spencer S., “Post-Katrina Promises Largely Unfulfilled,” *Washington Post*, January 28, 2006.

<sup>149</sup> Dyson, op. cit.: 203.

<sup>150</sup> Authors Kenneth R. Foster and Robert Giegengack have suggested that New Orleans should not be rebuilt where it sits below sea level, that the risk is too great for a repeat of Katrina or worse. Part of their skepticism, however, is based on their prediction that “the flood control system will be patched up in an ad hoc manner, [and] insufficient funds will be made available to bring the entire system up to the design goal of withstanding a Category 3 hurricane—much less the vastly greater funds needed to provide reliable protection against more intense storms.” They also note that the goal of build levees to protect against a level 5 hurricane is not, “strictly speaking, a well-defined goal because a Category 5 hurricane has no defined upper limit to its wind speed and storm surge.” —Foster and Giegengack, “Planning for a City on the Brink,” Chapter 5 in *On Risk and Disaster: Lessons Learned from Hurricane Katrina*, Ronald J. Daniels, et. al., eds., Philadelphia: University of Pennsylvania Press, pp. 41-58.